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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,086	05/31/2001	John M. Polo	15900.002	3827

7590 11/28/2001

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EXAMINER

BROWN, STACY D

ART UNIT PAPER NUMBER

1648

DATE MAILED: 11/28/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1648

DETAILED ACTION

1. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to **Group Art Unit 1648**.

2. Claims 1-28 are pending.

Election/Restrictions

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, drawn to a method for purifying alphavirus replicon particles, classified in class 435, subclass 243.
- II. Claims 13-15, drawn to a method for stimulating an immune response, classified in class 435, subclass 455.
- III. Claims 16-19, drawn to a method of producing alphavirus replicon particles comprising infecting alphavirus packaging cells with a seed stock of alphavirus particles, classified in class 435, subclass 69.1.
- IV. Claims 20-21, drawn to a method for producing alphavirus replicon particles comprising transfecting alphavirus packaging cells with a DNA-based alphavirus replicon or RNA vector replicon, classified in class 435, subclass 69.1.
- V. Claims 22-24, drawn to a method for detecting multiple recombination events in a population of alphavirus replicon particles, classified in class 435, subclass 69.1.
- VI. Claim 25, drawn to a method for quantitating alphavirus replicon vector particles, classified in class 435, subclass 5.

The inventions are distinct, each from the other because of the following reasons:

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Inventions I-VI are all unrelated to each other. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are drawn to methods of purification of alphavirus particles, stimulating an immune response using alphavirus particles, producing alphavirus particles by infecting with seed stock, producing alphavirus particles by transfection, detecting multiple recombination and quantitating alphavirus particles. These methods have different method steps requiring different reagents, and do not share modes of operation, functions and effect. The methods are not disclosed as capable of use together.

Because these inventions are distinct for the reasons given above and the literature search required for one group is neither required nor co-extensive with any other group, restriction for examination purposes as indicated is proper.

A telephone call was made to Anne Dollard on November 15, 2001 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

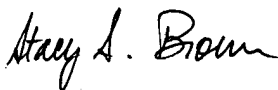
Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Conclusion

Papers relating to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 located in Crystal Mall 1. The Fax number for Art Unit 1648 is (703) 308-4426. All Group 1600 Fax machines will be available to receive transmissions 24 hrs/day, 7 days/wk. Please note that the faxing of such papers must conform with the Notice published in the Official Gazette, 1096 OG 30, (November 15, 1989).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Stacy S. Brown, whose telephone number is (703) 308-2361. The Examiner can normally be reached on Monday through Friday and alternate Wednesdays from 6:30 AM-4:00 PM, (EST). If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, James C. Housel, can be reached at (703) 308-4027. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.



Stacy S. Brown
November 27, 2001



HANKYEL T. PARK, PH.D
PRIMARY EXAMINER